

Lisa Sulka  
*Mayor*

Fred Hamilton Jr.  
*Mayor Pro Tempore*

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Anthony Barrett  
*Town Manager*



*Council Members*  
Mike Raymond  
Oliver Brown  
Allyne Mitchell

Sandra Lunceford  
*Town Clerk*

To: Mayor and Town Council

From: Anthony Barrett *AWB*

Date: February 9, 2010

Subject: US 278 Municipal Agreement

CC: Bob Fletcher  
Marc Orlando  
Karen Jarrett

Recommendation:

Approve the Municipal Agreement provided by SCDOT.

Background:

The South Carolina Department of Transportation (SCDOT) has been designing improvements to US 278 for some time. The improvements include widening from four lanes to six lanes from Simmonsville Road westerly to SC 170. The work will include additional asphalt on the inside of the road narrowing the median to minimize Right of Way acquisition.

SCDOT has proposed US 278 for funding through the American Recovery and Reinvestment Act (ARRA), "Jobs for Main Street" presently being considered by the Senate. The ARRA funding would reduce state and county obligations for this construction freeing monies for other projects.

The state is requesting the Town approve the Municipal Agreement for this construction through resolution. The County is approving their version of the agreement. The approval of the agreement allows the state to seek funds through the ARRA. Your approval of the Municipal Agreement is requested.

MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT**STATE OF SOUTH CAROLINA**

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RESOLUTION

**COUNTY OF BEAUFORT**

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Road/Route      **US 278**  
 File              **7.037178A**  
 Item  
 Project          **EM08(006)**  
 PIN              **37178**

WHEREAS, the South Carolina Department of Transportation ("SCDOT") proposes to construct, reconstruct, alter, or improve the certain segments of the highway(s) in the State Highway System referenced above which are located within the corporate limits of the Bluffton (hereinafter, "the City").

WHEREAS, the City wishes to authorize the construction and improvements of the aforesaid highway(s) in accordance with plans to be prepared by the SCDOT ("the Project Plans").

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (1991), the City does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the Project Plans. The foregoing consent shall be the sole approval necessary from the City for SCDOT to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the City's limits. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the City shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the City will assist SCDOT in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located within the existing right-of-way to be relocated at the utility company's expense, except where the utility can demonstrate a prior right of occupancy. To the extent that City-owned utilities are to be relocated, those utility lines and/or appurtenances may be replaced upon the new highway right-of-way at such locations as may be approved by SCDOT. SCDOT shall not be liable for damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the City or its contractors. Future utility installations by the City within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT's "A Policy for Accommodating Utilities on Highway Rights-of-Way."

BE IT FURTHER RESOLVED, that the City hereby signifies its agreement to accept for maintenance purposes those sections of a highway remaining after the highway is relocated pursuant to S. C. Code Ann. 57-5-120 upon notification by the SCDOT of its abandonment of the highway.

BE IT FURTHER RESOLVED, that the City hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the street, or streets, to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of said street, or streets, without having first obtained written approval of the South Carolina Department of Transportation as required in S.C. Code §56-5-930 (1976, as amended), nor enacting any traffic regulation ordinances inconsistent therewith.

IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia.

Dated:

\_\_\_\_\_, South Carolina  
Municipality

ATTEST:

By: \_\_\_\_\_  
Mayor\_\_\_\_\_  
Clerk\_\_\_\_\_  
\_\_\_\_\_  
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*Town Clerk*

February 1, 2010

Mr. John Boylston  
South Carolina Department of Transportation  
955 Park Street  
P.O. Box 191  
Columbia, SC 29202-0191

Subject: Municipal Agreement for Construction of US Highway 278 Widening  
Reference: Municipal State Highway Project Agreement Resolution

Dear Mr. Boylston,

This letter references the Municipal State Highway Project Agreement Resolution and is intended to clarify the agreement on behalf of the Town of Bluffton. This letter shall serve as the Town's agreement until we are able to bring the resolution to Council on February 9, 2010. This letter shall also be attached to the Municipal Agreement as clarification. We do appreciate your willingness to work with the Town of Bluffton on issues of relevance to us.

Regarding the utilities, the Town accepts no responsibility for the utilities as none is owned by the Town. The Town is willing to express to the utilities in question that they cooperate fully with the South Carolina Department of Transportation and the Town in relocation of the various utilities, but no other action is binding.

The Town has no interest in, nor is it willing to accept, US Highway 278 as a Town owned roadway. We understand that transfer of ownership is not anticipated for the roadway, but to provide clarity, the Town expects the roadway to remain a part of the state roadway system and does not accept ownership of the road now or in the future without authorization by the Mayor and Town Council.

The Town does have concerns about the runoff from the improvements to US Highway 278. While the Town will not insist on the state mitigating the effects of the

improvements on runoff and water quality into the rivers and streams of Beaufort County, we do ask for your support as we, with the assistance of our neighbors at the county, work to improve the quality of the water. This support may be sought during the construction phase as an add-on to the contract paid by the citizenry of the surrounding communities or as a supporter as these governmental groups pursue funding for water related grants and programs. We may seek your support in other areas as well as we work to maintain and improve the quality of the environment in which we live.

Again, we do appreciate your willingness to work with us on this important roadway project within our community and look forward to continuing a relationship of cooperation and collaboration. Please accept this letter along with the signed Municipal Agreement as our endorsement of the widening of US Highway 278.

We also appreciate your willingness to assist our residents in preserving their beautiful environment and the quality of life for our citizens as well as for our wildlife.

Sincerely,

A handwritten signature in black ink that reads "Anthony W. Barrett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Anthony Barrett, Town Manager

cc: Lisa Sulka, Mayor  
Fred Hamilton Jr., Mayor Pro Tempore  
Mike Raymond, Councilman  
Oliver Brown, Councilman  
Allyne Mitchell, Councilwoman  
Bob Fletcher, Assistant Town Manager  
Sandra Lunceford, Town Clerk